

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDMUND BRYAN,

Plaintiff,

-against-

MEMORIAL SLOAN-KETTERING CANCER
CENTER,

Defendant.
----- X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/30/08

No. 07 Civ. 7300 (SHS)

ECF CASE

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED by the attorneys for plaintiff Edmund Bryan ("Plaintiff") and defendant Memorial Sloan-Kettering Cancer Center ("Defendant") that:

1. At the deposition of non-party witness Miguel Ruiz on Thursday, April 24, 2008, Mr. Ruiz testified about complaints that he heard from several of Plaintiff's co-workers.

2. As a result of Plaintiff putting his mental health at issue in this case, Defendant seeks to have Plaintiff undergo an independent medical examination ("IME").

3. Plaintiff consents to undergo the IME, which will be conducted by Alan J. Tuckman, M.D. Dr. Tuckman's office is located in the Summit Professional Building, Suite 210, Route 45 and Pomona Road, Pomona, New York 10970. The IME will consist of two (approximately two-hour) sessions and a psychological test to be completed during one of the sessions.

4. Defendant has arranged for Plaintiff's first session appointment on May 14, 2008, beginning at 10:00 a.m. Plaintiff is responsible for calling Dr. Tuckman's office at (845) 354-6363 as soon as possible to confirm this appointment or to cancel and re-schedule for an alternative date. Thereafter, Plaintiff is responsible for scheduling his second session

appointment by communicating directly with Dr. Tuckman's office. Plaintiff must schedule and complete the entire IME on or before May 30, 2008.

5. Defendant agrees to bear all of Dr. Tuckman's costs and/or fees associated with the IME, except to the extent any costs and/or fees are incurred as a result of Plaintiff's failure to attend a scheduled session appointment, in which case all such costs and/or fees shall be the sole responsibility of Plaintiff.

6. Defendant agrees to produce a copy of Dr. Tuckman's report to Plaintiff at its expense.

7. Upon receipt of Dr. Tuckman's report, Plaintiff will be given thirty days to conduct an examination by deposition of Dr. Tuckman.

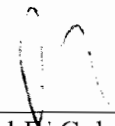
Dated: April 29, 2008

I hereby consent to the form and entry of the within stipulation.

By:  4/25/08
Armani Scott (AS 8751)

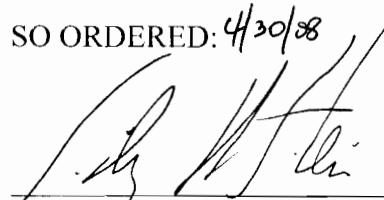
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Attorneys for Defendant

SO ORDERED: 4/30/08

Sidney H. Stein, U.S.D.J.